

Board of Chiropractic Examiners

2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
Telephone (916) 263-5355 FAX (916) 263-5369
CA Relay Service TT/TDD (800) 735-2929
Consumer Complaint Hotline (866) 543-1311
www.chiro.ca.gov



**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Enforcement Committee
Thursday May 24, 2007
400 R Street, Room 101
Sacramento, CA 95814**

Committee Members Present

Hugh Lubkin, D.C., Chair
Francesco Columbu, D.C.

Staff Present

Brian J. Stiger, Executive Officer
LaVonne Powell, DCA Senior Legal Counsel
Lavella Matthews, Associate Governmental Program Analyst
Sandra Patterson, Staff Services Analyst

Call to Order

Dr. Lubkin called the meeting to order at approximately 12:10 a.m.

Roll Call

Dr. Columbu called the roll. Both committee members were present.

Purpose of committee

Dr. Lubkin stated the committee's current purpose is to deal with matters pertaining to discipline and other miscellaneous matters. Mr. Stiger added that the committee's purpose needs to be further defined through future meetings and during the strategic planning process.

Discussion re Enforcement Process Overview

Sandra Patterson presented an overview of the enforcement process including complaint intake, investigation, and the formal administrative process. Mr. Stiger provided the staffing levels and their roles within the Enforcement Unit and stated that all disciplinary matters are approved through the Executive Director. Dr. Lubkin suggested that from a public safety perspective, he is concerned that the Board does not have a peace officer on staff to review complaints. Mr. Stiger stated most Boards and Bureaus within the Department of Consumer staff utilize trained internal staff to conduct the initial review of complaints to save costs and if the allegations rose to level that required peace officer involvement the case would proceed in that manner.

Dr. Lubkin asked how the board would implement section 306.1 since it has been approved through the APA process and been in place for 10 years. Dr. Lubkin asked if the Board's disciplinary guidelines are considered an underground regulation since it is inconsistent with CCR 306.1. Ms. Powell stated the disciplinary guidelines are incorporated into regulations by reference. Ms. Powell advised the committee to place 306.1 on an agenda for a future meeting for a full discussion. Ms. Powell added she has serious concerns about 306.1 as it is currently written and the effect it would have on the Board's enforcement program.

Dr. Lubkin moved that the committee place 306.1 on the agenda for the next meeting. Dr. Columbu seconded the motion.

Mr. Stiger stated that Board staff has made several changes to the Board's enforcement process to protect California consumers.

Dr. Columbu suggested that Board staff prioritize workload to deal with the most serious allegations. Also, he recommended that Expert Witnesses be reviewed every two years.

Mr. Stiger highly recommended that the Board provide upfront communication, education, and workshops to educate licensees.

Public Comment

Dr. Charles Davis, International Chiropractors Association of California, stated he would like to see 306.1 implemented since it has been in regulation since 1994.

Kristine Schultz, California Chiropractic Association, shared her concerns with inconsistent enforcement.

Discussion and Possible Action re Mail Ballots

Ms. Powell explained that she would be making changes to the mail ballot to include language that board members do not discuss cases with anyone including board members. Additionally, she recommended that the Board adopt a two member hold on mail ballots rather than the current one member hold.

Ms. Powell advised the committee that board members can call her if they have legal questions on stipulations or proposed decisions. Board members should not contact the Attorney General's officer, Executive Officer or opposing counsel.

Meeting Adjourned

Dr. Lubkin adjourned the meeting at approximately 12:50.